



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1165

Introduced 02/08/05, by Rep. Sandra M. Pihos - Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

750 ILCS 5/602

from Ch. 40, par. 602

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that, in custody determinations, a determination by the court that domestic or family violence has occurred, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, raises a rebuttable presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody with the perpetrator of the family violence.

LRB094 04160 LCB 34182 b

1 AN ACT concerning families.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 602 as follows:

6 (750 ILCS 5/602) (from Ch. 40, par. 602)

7 Sec. 602. Best Interest of Child.

8 (a) The court shall determine custody in accordance with
9 the best interest of the child. The court shall consider all
10 relevant factors including:

11 (1) the wishes of the child's parent or parents as to
12 his custody;

13 (2) the wishes of the child as to his custodian;

14 (3) the interaction and interrelationship of the child
15 with his parent or parents, his siblings and any other
16 person who may significantly affect the child's best
17 interest;

18 (4) the child's adjustment to his home, school and
19 community;

20 (5) the mental and physical health of all individuals
21 involved;

22 (6) the physical violence or threat of physical
23 violence by the child's potential custodian, whether
24 directed against the child or directed against another
25 person;

26 (7) the occurrence of ongoing abuse as defined in
27 Section 103 of the Illinois Domestic Violence Act of 1986,
28 whether directed against the child or directed against
29 another person; and

30 (8) the willingness and ability of each parent to
31 facilitate and encourage a close and continuing
32 relationship between the other parent and the child.

1 In the case of a custody proceeding in which a stepparent
2 has standing under Section 601, it is presumed to be in the
3 best interest of the minor child that the natural parent have
4 the custody of the minor child unless the presumption is
5 rebutted by the stepparent.

6 (a-5) In every custody proceeding, a determination by the
7 court that domestic or family violence has occurred, as defined
8 in Section 103 of the Illinois Domestic Violence Act of 1986,
9 raises a rebuttable presumption that is is detrimental to the
10 child and not in the best interest of the child to be placed in
11 sole custody, joint legal custody, or joint physical custody
12 with the perpetrator of the family violence.

13 (b) The court shall not consider conduct of a present or
14 proposed custodian that does not affect his relationship to the
15 child.

16 (c) Unless the court finds the occurrence of ongoing abuse
17 as defined in Section 103 of the Illinois Domestic Violence Act
18 of 1986, the court shall presume that the maximum involvement
19 and cooperation of both parents regarding the physical, mental,
20 moral, and emotional well-being of their child is in the best
21 interest of the child. There shall be no presumption in favor
22 of or against joint custody.

23 (Source: P.A. 90-782, eff. 8-14-98.)